

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Miguel Rivera
Julisa Rivera

Debtor(s)

Case No.: 15-22679

Judge: RG

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: August 18,
2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 300.00 Monthly to the Chapter 13 Trustee, starting on August 1, 2015 for approximately 36 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property

Description: Property Address: 743 Nicholas Place, Rahway NJ 07065. All arrears to be rolled into the loan modification.

Proposed date for completion: February 1, 2016

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 1,369.54 monthly to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to Pnc Mortgage (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Russell L. Low 4745	Attorney Fees	2,500.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

Toyota Motor Credit Co
Wells Fargo Bank Nv Na

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$ _____ to be distributed *pro rata*

_____ Not less than _____ percent

_____ x *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
4)	Lease Arrearages		
5)	Priority Claims		
6)	General Unsecured Claims		
<p>d. Post-petition claims</p> <p>The Trustee <input type="checkbox"/> is, <input checked="" type="checkbox"/> is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.</p>			
<p>Part 9 : Modification</p> <p>If this plan modifies a plan previously filed in this case, complete the information below.</p> <p>Date of Plan being modified: <u>July 6, 2015.</u></p>			
<p>Explain below why the Plan is being modified.</p> <p>The Debtor is applying for a loan modification and needs additional time to complete the process.</p>		<p>Explain below how the Plan is being modified</p> <p>Debtor will resume making payments to the trustee and will apply for an extension of the Court's loss mitigation program.</p>	
<p>Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>Part 10: Sign Here</p> <p>The debtor(s) and the attorney for the debtor (if any) must sign this Plan.</p> <p>Date <u>August 18, 2016</u> <u>/s/ Russell L. Low</u> <u>Russell L. Low 4745</u> Attorney for the Debtor</p> <p>I certify under penalty of perjury that the foregoing is true and correct.</p> <p>Date: <u>August 18, 2016</u> <u>/s/ Miguel Rivera</u> <u>Miguel Rivera</u> Debtor</p> <p>Date: <u>August 18, 2016</u> <u>/s/ Julisa Rivera</u> <u>Julisa Rivera</u> Joint Debtor</p>			

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Miguel Rivera
 Julisa Rivera
 Debtors

Case No. 15-22679-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 37

Date Rcvd: Aug 22, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 24, 2016.

db/jdb +Miguel Rivera, Julisa Rivera, 743 Nicholas Place, Rahway, NJ 07065-2642
 515608060 +++ASPIRE/CB&T, 9 CORPORATE RIDGE PKWY, COLUMBUS GA 31907-3049
 (address filed with court: Aspire/cb&t, 9 Mutec Dr, Columbus, GA 31907)
 515608061 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Attention: Recovery Department,
 4161 Piedmont Pkwy., Greensboro, NC 27410)
 515608062 +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, PO Box 5170,
 Simi Valley, CA 93062-5170
 515819058 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 515608063 +Barclays Bank Delaware, Attn: Bankruptcy, P.O. Box 8801, Wilmington, DE 19899-8801
 515608065 +Capl/bstby, Po Box 6497, Sioux Falls, SD 57117-6497
 515608066 +Capl/neimn, Po Box 5253, Carol Stream, IL 60197-5253
 515608067 +Capital 1 Bank, Attn: General Correspondence, PO Box 30285, Salt Lake City, UT 84130-0285
 515608068 #+Capital One, Po Box 5253, Carol Stream, IL 60197-5253
 515715565 Capital One, N.A., PO Box 71083, Charlotte, NC 28272-1083
 515608069 +Chase, Attn: Bankruptcy Dept, PO Box 15298, Wilmington, DE 19850-5298
 515608070 +Chase Card, P.o. Box 15298, Wilmington, DE 19850-5298
 515608071 +Citibank/The Home Depot, Citicorp Credit Svcs/Centralized Bankrup, PO Box 790040,
 Saint Louis, MO 63179-0040
 515608073 +Comenity Bank/mandee, 995 W 122nd Ave, Westminster, CO 80234-3417
 515608076 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
 515608077 +Eastern Account System INC., Attn: Bankruptcy Dept., PO Box 837, Newtown, CT 06470-0837
 515608079 +Merc Adj Bur, PO Box 9016, Williamsville, NY 14231-9016
 515608081 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703
 515608082 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit Co, Toyota Financial Services, PO Box 8026,
 Cedar Rapids, IA 52408)
 515738492 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 515837104 +WELLS FARGO BANK, N.A., F8235-02F, PO BOX 10438, DES MOINES, IA 50306-0438
 515608083 +Wells Fargo, PO Box 60510, Los Angeles, CA 90060-0510
 515608084 +Wells Fargo Bank, Po Box 14517, Des Moines, IA 50306-3517
 515608087 +Wells Fargo Bank Nv Na, Po Box 94435, Albuquerque, NM 87199-4435
 515608086 +Wells Fargo Bank Nv Na, Attn: Deposits Bankruptcy MAC# P6103-05K, PO Box 3908,
 Portland, OR 97208-3908
 515832807 Wells Fargo Bank, N.A., Home Equity Group, 1 Home Campus X2303-01A,
 Des Moines, IA 50328-0001
 515839932 +Wells Fargo Card Services, 1 Home Campus 3rd Floor, Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 22 2016 23:12:40 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 22 2016 23:12:36 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515627546 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Aug 22 2016 23:15:07
 American InfoSource LP as agent for, T Mobile/T-Mobile USA Inc, PO Box 248848,
 Oklahoma City, OK 73124-8848
 515752764 +E-mail/Text: bncmail@w-legal.com Aug 22 2016 23:12:47 CERASTES, LLC,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 515608075 +E-mail/Text: mrdiscen@discover.com Aug 22 2016 23:11:50 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 515608078 +E-mail/PDF: gecsed@recoverycorp.com Aug 22 2016 23:07:05 GECRB/JC Penny,
 Attention: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104
 515608080 +E-mail/Text: bnc@nordstrom.com Aug 22 2016 23:12:03 Nordstrom FSB,
 Attention: Account Services, PO Box 6566, Englewood, CO 80155-6566
 515789354 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 22 2016 23:07:55
 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541
 515837143 +E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 22 2016 23:12:53 TD BANK / NORDSTROM FSB,
 c o Jefferson Capital Systems LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999
 TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515608064* +Barclays Bank Delaware, Attn: Bankruptcy, P.O. Box 8801, Wilmington, DE 19899-8801
 515608072* +Citibank/The Home Depot, Citicorp Credit Svcs/Centralized Bankrup, PO Box 790040,
 Saint Louis, MO 63179-0040
 515608074* +Comenity Bank/mandee, 995 W 122nd Ave, Westminster, CO 80234-3417
 515608085* +Wells Fargo Bank, Po Box 14517, Des Moines, IA 50306-3517
 515608088* +Wells Fargo Bank Nv Na, Po Box 94435, Albuquerque, NM 87199-4435

TOTALS: 0, * 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 37

Date Rcvd: Aug 22, 2016

***** BYPASSED RECIPIENTS (continued) *****

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 24, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 18, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor PNC Bank, National Association dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor PNC Bank, National Association
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Russell L. Low on behalf of Joint Debtor Julisa Rivera rbear611@aol.com, lowlaw505@gmail.com
Russell L. Low on behalf of Debtor Miguel Rivera rbear611@aol.com, lowlaw505@gmail.com
TOTAL: 5